

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORDER AND MEMORANDUM

This matter is before the Court upon review of defendant Gregory Moore's motion to dismiss [Doc. #20].

On June 29, 2007, this Court entered a Case Management Order [Doc. #19], ordering, *inter alia*, that no later than August 2, 2007, plaintiff shall submit to defendant a list, including addresses, of all persons having knowledge or information of the facts giving rise to his claim, as well as all documents he believes mention, relate to, or in any way support his claim. The Court advised the parties that failure to make disclosures may result in sanctions, including dismissal.

In his motion to dismiss, defendant Moore states that although he mailed to plaintiff his initial disclosure on August 2, plaintiff has not provided him with the aforesaid Court-ordered disclosures, nor has plaintiff asked for additional time in which to do so. In addition, defendant states that on May 31, 2007, he mailed to plaintiff discovery requests consisting of

interrogatories, requests for production of documents, and requests for admissions, to which plaintiff has failed to respond. Defendant states that he has been severely prejudiced by plaintiff's failure to respond to the Court-ordered initial disclosures and discovery requests, and he asks the Court to dismiss this action with prejudice. Plaintiff has not filed a response to defendant's motion to dismiss.

Having carefully reviewed this matter, the Court will dismiss the instant action, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss [Doc. #20] is **GRANTED IN PART** in that this action shall be dismissed, and is **DENIED IN PART** in that the dismissal shall be without prejudice.

An appropriate Order of Dismissal shall accompany this Order and Memorandum.

Dated this 3rd day of October, 2007

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE